

**Gates & Cooper LLP**

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TO: Commissioner for Patents  
Attn: Examiner Mylinh T. Tran  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: George H. Gates  
OUR REF.: G&C 30566.71-US-01  
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Total pages, including cover letter: 12

PTO FAX NUMBER: 703/746-7238

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Title of Document Transmitted:	REPLY BRIEF OF APPELLANT (IN TRIPLICATE).
Applicant:	Brian D. Gantt
Serial No.:	09/464,557
Filed:	December 16, 1999
Group Art Unit:	2174
Our Ref. No.:	G&C 30566.71-US-01

By: 

Name: George H. Gates

Reg. No.: 33,500

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May 23, 2003  
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G&C 30566.71-US-01

Due Date: May 26, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brian D. Gantt	Examiner:	Mylinh T. Tran
Serial No.:	09/464,557	Group Art Unit:	2174
Filed:	December 16, 1999	Docket:	G&C 30566.71-US-01
Title:	VISUAL CLUES TO NAVIGATE THREE-DIMENSIONAL SPACE IN A COMPUTER-IMPLEMENTED GRAPHICS SYSTEM		

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

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By: GHG  
Name: George H. Gates

**Official**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ REPLY BRIEF OF APPELLANT (in triplicate).

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

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G&C 30566.71-US-01

Received from <+13106418798> at 5/23/03 4:35:17 PM [Eastern Daylight Time]

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#12  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )

Inventor: Brian D. Gantt )

Serial #: 09/464,557 )

Filed: December 16, 1999 )

Title: VISUAL CLUES TO NAVIGATE )  
THREE-DIMENSIONAL SPACE IN A )  
COMPUTER-IMPLEMENTED )  
GRAPHICS SYSTEM )

Examiner: Mylinh T. Tran

Group Art Unit: 2174

Appeal No.: \_\_\_\_\_

**Official****REPLY BRIEF OF APPELLANT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-145

Dear Sir:

In accordance with 37 C.F.R. §1.193(b)(1), Appellant's attorney hereby submits the Reply Brief of Appellant in response to the Examiner's Answer dated March 26, 2003. The Reply Brief is submitted in triplicate.

No fees are required for filing this Reply Brief. However, should it be necessary, the Office is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-0494 of Gates & Cooper LLP, attorneys of record in the present application.

**I. RELATED APPEALS AND INTERFERENCES**

The Examiner's Answer states that the Brief of Appellant did not contain a statement identifying related appeals and interferences.

Appellant's attorney disagrees. The Brief of Appellant does contain such a statement on page 1 thereof, which states that there are no related appeals or interferences.

## II. STATUS OF CLAIMS

Appellant's attorney acknowledges the Examiner's allowance of claims 9, 19 and 27 in the application, which overcomes the rejection thereof under 35 U.S.C. §103(a) as being unpatentable over the combination of Takeda, U.S. Patent No. 6,166,718 (Takeda), Frasier et al., U.S. Patent No. 5,268,677 (Frasier), Lumelsky et al., U.S. Patent No. 5,162,779 (Lumelsky) and Caddy, U.S. Patent No. 4,578,766 (Caddy).

## III. ISSUES PRESENTED FOR REVIEW

With the allowance of claims 9, 19 and 27 by the Examiner, issue (2) presented for review in the Brief of Appellant, i.e., whether claims 9, 19 and 27 are obvious under 35 U.S.C. §103(a) in view of the combination of Takeda, U.S. Patent No. 6,166,718 (Takeda), Frasier et al., U.S. Patent No. 5,268,677 (Frasier), Lumelsky et al., U.S. Patent No. 5,162,779 (Lumelsky) and Caddy, U.S. Patent No. 4,578,766 (Caddy), is now moot.

Consequently, only issue (1) remains, namely whether claims 4, 14 and 22 are obvious under 35 U.S.C. §103(a) in view of the combination of Takeda, U.S. Patent No. 6,166,718 (Takeda), Frasier et al., U.S. Patent No. 5,268,677 (Frasier) and Lumelsky et al., U.S. Patent No. 5,162,779 (Lumelsky).

## IV. ARGUMENT

In the Answer, the Examiner essentially reiterates the arguments of the prior Office Action. The Examiner cites the combination of Takada, Frasier and Lumelsky against the Appellant's claims 4, 14 and 22. Specifically, the Examiner cites Takada as teaching the displaying, moving and determining elements, Frasier as teaching the two-dimensional viewport of the three-dimensional space and Lumelsky as teaching generating a visual representation of the cursor to indicate the position of the cursor within the three-dimensional space relative to the two-dimensional viewport.

Appellant's attorney disagrees. Even when combined, the references do not teach or suggest the combination of elements shown in Appellant's independent claims 4, 14 and 22.

As noted by the Examiner, Lumelsky describes enhancing the perception of depth by providing monoscopic depth cues by varying the cursor's color, size, transparency and/or pattern as the cursor moves in depth. However, Lumelsky says nothing indicating the position of the

cursor within the three-dimensional space relative to the two-dimensional viewport by varying a reflectivity of the cursor. It is Appellant's position that varying the cursor's color, size, transparency and/or pattern does not render obvious a claimed combination that includes varying the cursor's reflectivity.

Thus, Appellant's attorney submits that independent claims 4, 14 and 22 are allowable over the cited references.

#### V. CONCLUSION

In light of the above arguments, Appellant's attorney respectfully submits that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features, which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

Brian D. Gantt

By his attorneys,

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